

LPC# 0316085741 Cook County

USX Vessel Slips - Chicago

AKA Vessel Slips Adjacent to United States Steel

ILN 000 508 209

5/HRS

EPA Region 5 Records Ctr.



365215

# Site Reassessment



Prepared by:  
Office of Site Evaluation  
Division of Remediation Management  
Bureau of Land

SITE REASSESSMENT – OTHER CLEANUP ACTIVITY

For:

Vessel Slips Adjacent to United States Steel  
Chicago, IL  
ILN 000508209

Prepared by:  
Illinois Environmental Protection Agency  
Bureau of Land  
Office of Site Evaluation

September 3, 2009

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## Section 1.0 Introduction

On May 8, 2009, the Illinois Environmental Protection Agency's (Illinois EPA) Office of Site Evaluation (OSE) was tasked by the Region V Offices of the United States Environmental Protection Agency (U.S. EPA) to conduct a Site Reassessment of the Vessel Slips Adjacent to United States Steel (USX) site. The address as it appears on Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) for the Vessel Slips is 3426 East 89<sup>th</sup> Street in Chicago, Illinois, 60617. Property coordinates on a U.S. Geological Survey Map are; Section 5 of Township 37 North, Range 15 East of the 3<sup>rd</sup> Principal Meridian on the Lake Calumet Quadrangle in Cook County, Illinois (U.S. Geological Survey 1991). Specifically, the property can be found at 41.7408N and 87.53488W.

Current U.S. EPA policy stipulates that a Site Reassessment be conducted to determine the current status of the Vessel Slips Adjacent to USX. This Site Reassessment will consist of an evaluation of recent information to determine if further Superfund investigation is warranted. The reassessment will supplement previous assessment work, and is not intended to replace previous Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) assessments.

The Site Reassessment is designed to provide necessary information that will help determine if the site qualifies for possible inclusion on the National Priorities List, or should receive a No Further Remedial Action Planned (NFRAP) designation. At the end of the reassessment process the author will recommend that the site may be given a NFRAP designation, receive further Superfund investigation, or referred to another state

or federal clean-up program. The Site Reassessment is performed under the authority of CERCLA commonly known as Superfund.

The Vessel Slips Adjacent to USX were placed on the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) on August 25, 2000. On August 30, 2001, Illinois EPA completed a Preliminary Assessment of the property. The Site Reassessment Report will describe current property conditions and illustrate how the property has changed since the Preliminary Assessment. This report will contain a review of existing information to determine property history, current site conditions, and evaluate analytical data that may exist on the property. The Site Reassessment will also support emergency response or time-critical removal activities if it is determined that they are warranted.

## Section 2.0 Site Description and History

The USX is approximately 567 acres, located on lake shore property in Chicago, Illinois within Cook County (Figure 1). The USX property is bordered by Rainbow Park to the north, Lake Michigan and Calumet Harbor to the east, the Calumet River to the south, and a residential area to the west. This area is relatively flat, and all of the structures on the property except for powerhouse number 5 and the original office building have been razed. Lake Michigan forms the eastern border and provides access to two vessel slips used in the past by the facility. The site is situated in an industrial area that becomes a mixed commercial/residential area as you progress westward. Of the 567 acres, 494 acres were originally part of Lake Michigan and have been filled in with

primarily steel-mill slag. The USX facility has never had a coking operation. Operations began at this location in 1882 and ended in 1992.

In 1993, USX Corporation, the parent corporation of United States Steel, entered the Illinois EPA's Site Remediation Program (SRP). The primary focus of this effort centered on groundwater contamination and the surface water bodies that it directly affects. According to the legal description for this facility, the north and south vessel slips do not belong to United States Steel (LPC 0316515061) and were excluded from the No Further Remediation Letter issued by the Illinois EPA on July 31, 1997.

Both the USX North and South Vessel Slip were used to receive raw materials and to transport finished steel products from the facility. In 1995, approximately 3,250 cubic yards of material were dredged and removed from the north slip. In that same year, the USX South Vessel Slip had over 100 cubic yards of a non-hazardous total petroleum hydrocarbon contaminated material removed. Sediment samples collected indicated that there were elevated levels of Total Petroleum Hydrocarbons (TPH) and Toxic Characteristic Leaching Procedure results indicated elevated levels of lead.

### Section 3.0 Other Cleanup Authority Activities

On April 3-5, 2001, Illinois EPA conducted a Preliminary Assessment Inspection on the North and South Vessel Slips. Illinois EPA collected three soil samples from two locations on the USX property and thirty-six sediment samples from twenty-six locations within the slips adjacent to the USX facility. The soil samples were collected in and around the transformer area east of powerhouse number five. The sediment samples were collected from the north and south vessel slips, Lake Michigan, and the Calumet River

adjacent to the United States Steel property. The samples were collected to determine if the sediments of the vessel slips, the Calumet River, and/or Lake Michigan have been impacted by past industrial activities within the United States Steel area. The results from the sampling indicated that the sediment samples collected from the north vessel slip were three times the background levels for inorganic contamination (arsenic, cadmium, chromium, copper, lead, nickel and zinc). Results from the south vessel slip revealed cadmium, chromium, copper, lead, mercury and zinc at three times the background levels.

On March 14, 2006, the United States Steel Corporation entered the vessel slips into the Illinois EPA's Voluntary Site Remediation Program. On March 16, 2007, United States Steel Corporation in conjunction with the URS Corporation (consultants) submitted Human Health and Ecological Risk Evaluations USS Former South Works Facility Vessel Slips. This report was reviewed by Illinois EPA and demonstrated that no additional remedial action was necessary. A comprehensive No Further Remediation Letter was completed on May 12, 2008.

This comprehensive No Further Remediation Letter signifies a release from further responsibilities under the Illinois Environmental Protection Act for the performance of the approved remedial action. This letter shall be considered prima facie evidence that the Remediation Site does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms and conditions of the Letter.

According to the No Further Remediation Letter, the site met the established Residential land use criteria. Preventative controls at the site include Fish advisory

signage that must be maintained at access points to the vessel slip to ensure fishermen are aware of the maximum intake recommendations for the various fish species that are consumed from the waters of the Calumet River in this area.

#### Section 4.0 Summary and Conclusions

On December 18, 1991 (amended April 6, 1995), a Superfund Memorandum of Agreement (SMOA) was signed between Illinois EPA and U.S. EPA Region 5. The SMOA states that if a site has been remediated or given a no-action determination under a state cleanup program, the site will not be expected to require further response actions. U.S. EPA Region 5 will not plan or anticipate any federal response action under Superfund law unless the site poses an imminent threat or emergency situation. A copy of the SMOA can be found in Appendix B.

Illinois EPA has issued a comprehensive No Further Remediation Letter which signifies a release from further responsibilities under the Illinois Environmental Protection Act for the performance of the approved remedial action. The North and South Vessel Slips for USX do not present a threat to human health and the environment for the specified recognized environmental conditions so long as the property is utilized in accordance with the terms of the No Further Remediation Letter. Steel operations were halted in 1992, thus this ceased the use of the North and South Vessel Slips for USX. This removes the possibility of continuing contamination of the sediments and surface water from the United States Steel operations.

On March 14, 2006, the United States Steel Corporation entered the vessel slips into the Illinois EPA's Voluntary Site Remediation Program. On March 16, 2007, United States Steel Corporation in conjunction with the URS Corporation (consultants)



submitted *Human Health and Ecological Risk Evaluations USS Former South Works Facility Vessel Slips*. This report was reviewed by Illinois EPA and demonstrated that the remedial action was completed. A comprehensive No Further Remediation Letter was completed on May 12, 2008.

## Section 5.0 References

Illinois Environmental Protection Agency, CERCLA Preliminary Assessment for the Vessel Slips at United States Steel South Works. August 2001.

Illinois Environmental Protection Agency, No Further Remediation Letter for USX South Vessel Slip, LPC 0316485098. May 12, 2008.

Illinois Environmental Protection Agency, No Further Remediation Letter for USX North Vessel Slip, LPC 031608574., May 12, 2008.

URS Corporation. Human Health and Ecological Risk Evaluations USS Former South Works Facility Vessel Slips. March 15, 2007.

## Figures

Figure 1  
Site Location Map

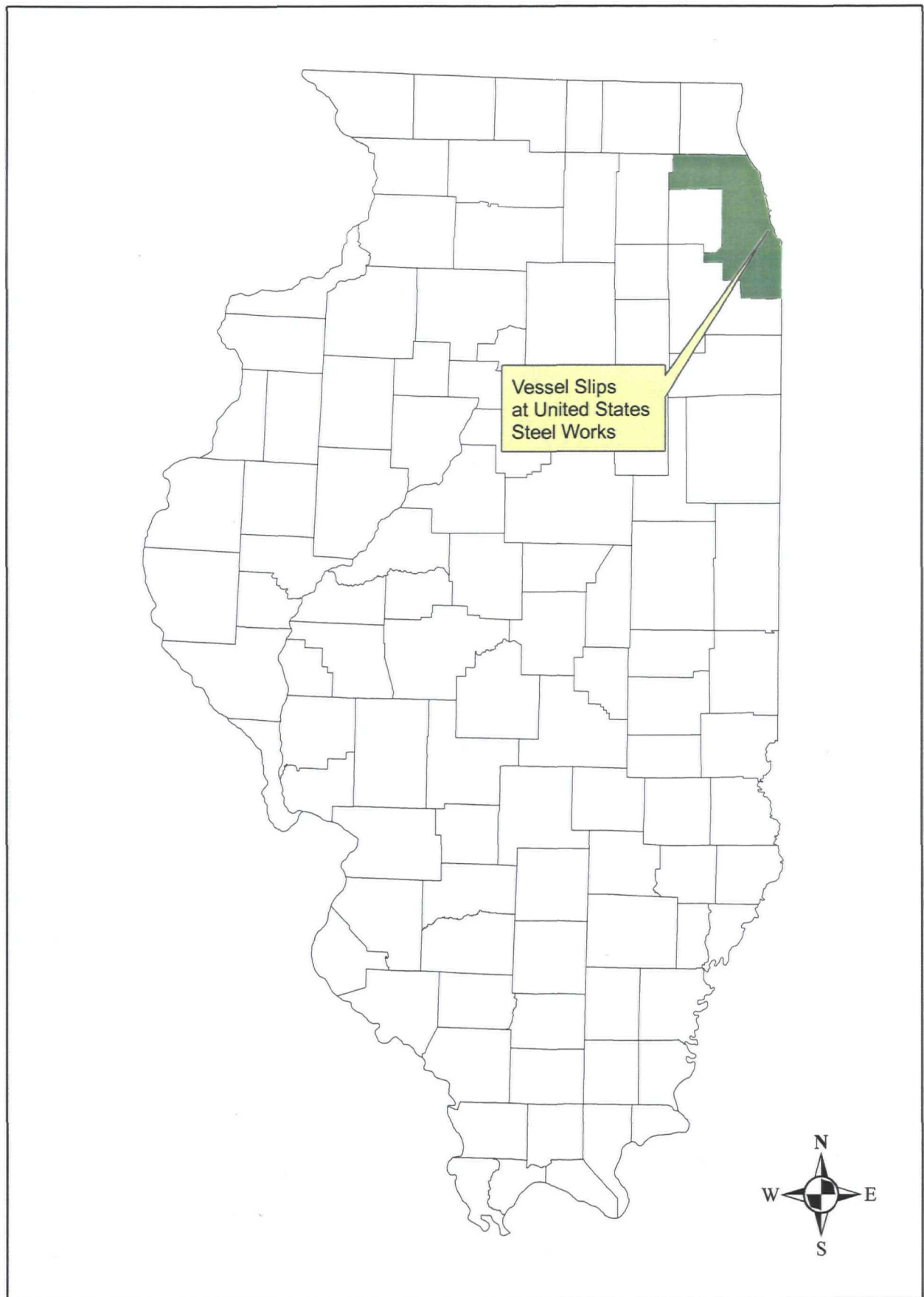
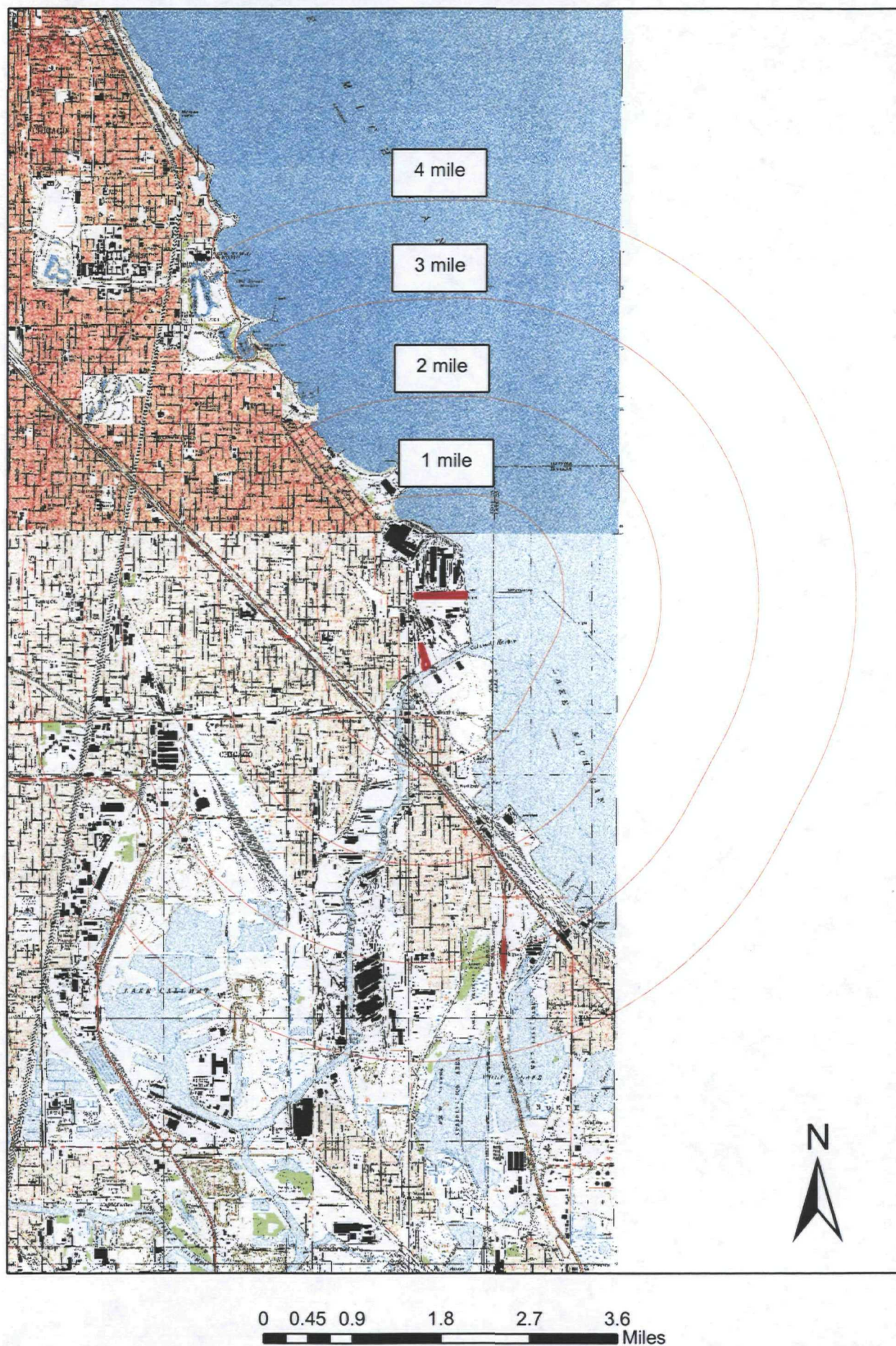


Figure 2  
Site Area Map





Figure 3  
4 Mile Radius Map



# Appendix A

## No Further Remediation Letters



## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

May 12, 2008

CERTIFIED MAIL

7007 2560 0003 2091 7593

Mr. John Zaborske  
United States Steel Corporation  
8555 South Green Bay Avenue  
Chicago, IL 60610

Re: 0316485098/Cook  
Chicago/USX South Vessel Slip  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

**RELEASABLE**

MAY 20 2008

**REVIEWER MD**

Dear Mr. Zaborske:

*The Human Health and Ecological Risk Evaluations USS Former South Works Facility Vessel Slips* (March 21, 2007/Log Number 07-33106), as prepared by URS Corporation for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 5.6 acres, is located at 9099 South Avenue O, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form received March 14, 2006 is United States Steel Corporation.

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms and conditions of this Letter.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

PRINTED ON RECYCLED PAPER



**Conditions and Terms of Approval**

**Level of Remediation and Land Use Limitations**

- 1) The land use specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use.
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is approved for Residential land use.

**Preventive Controls:**

- 3) Fish advisory signage must be maintained at access points to the vessel slip to ensure fishermen are aware of the maximum intake recommendations for the various fish species that are consumed from the waters of the Calumet River in this area.

**Other Terms**

- 4) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 5) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attn: Freedom of Information Act Officer  
Bureau of Land-#24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

- 6) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current titleholder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
  - a) Any violation of institutional controls or the designated land use restrictions;
  - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;

- c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
  - d) The failure to comply with the recording requirements for this Letter;
  - e) Obtaining the Letter by fraud or misrepresentation;
  - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
  - g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
  - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.
- 7) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) United States Steel Corporation;
  - b) The owner and operator of the Remediation Site, including the Illinois Department of Natural Resources;
  - c) Lakeside Land, LLC;
  - d) Chicago Lakeside Development, LLC;
  - e) Any parent corporation or subsidiary of the owner of the Remediation Site;
  - f) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
  - g) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
  - h) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
  - i) Any successor-in-interest of the owner of the Remediation Site;
  - j) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
  - k) Any heir or devisee of the owner of the Remediation Site;

- Robert E. O'Hara**  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

**If you have any questions regarding this correspondence, you may contact the Illinois EPA project manager, Mr. Andrew Catlin at (217) 524-3290.**

Sincerely,

Joseph L. Mauri

**Attachments(2):**      **Property Owner Certification of No Further Remediation Letter under the  
Site Remediation Program Form  
Notice to Remediation Applicant**

bcc: Records Unit  
Bob O'Hara  
Sherri Oxencis  
Rick Lucas

PREPARED BY:

Name: Mr. John Zaborske  
United States Steel Corporation

Address: 8555 South Green Bay Avenue  
Chicago, IL 60610

RETURN TO:

Name: Mr. John Zaborske  
United States Steel Corporation

Address: 8555 South Green Bay Avenue  
Chicago, IL 60610

**THE ABOVE SPACE FOR RECORDER'S OFFICE**

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316485098

United States Steel Corporation, the Remediation Applicant, whose address is 8555 South Green Bay Avenue, Chicago, IL 60610 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

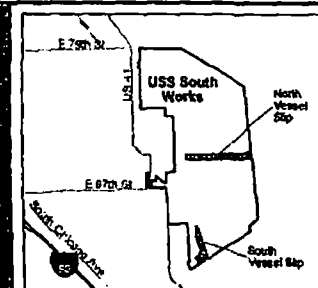
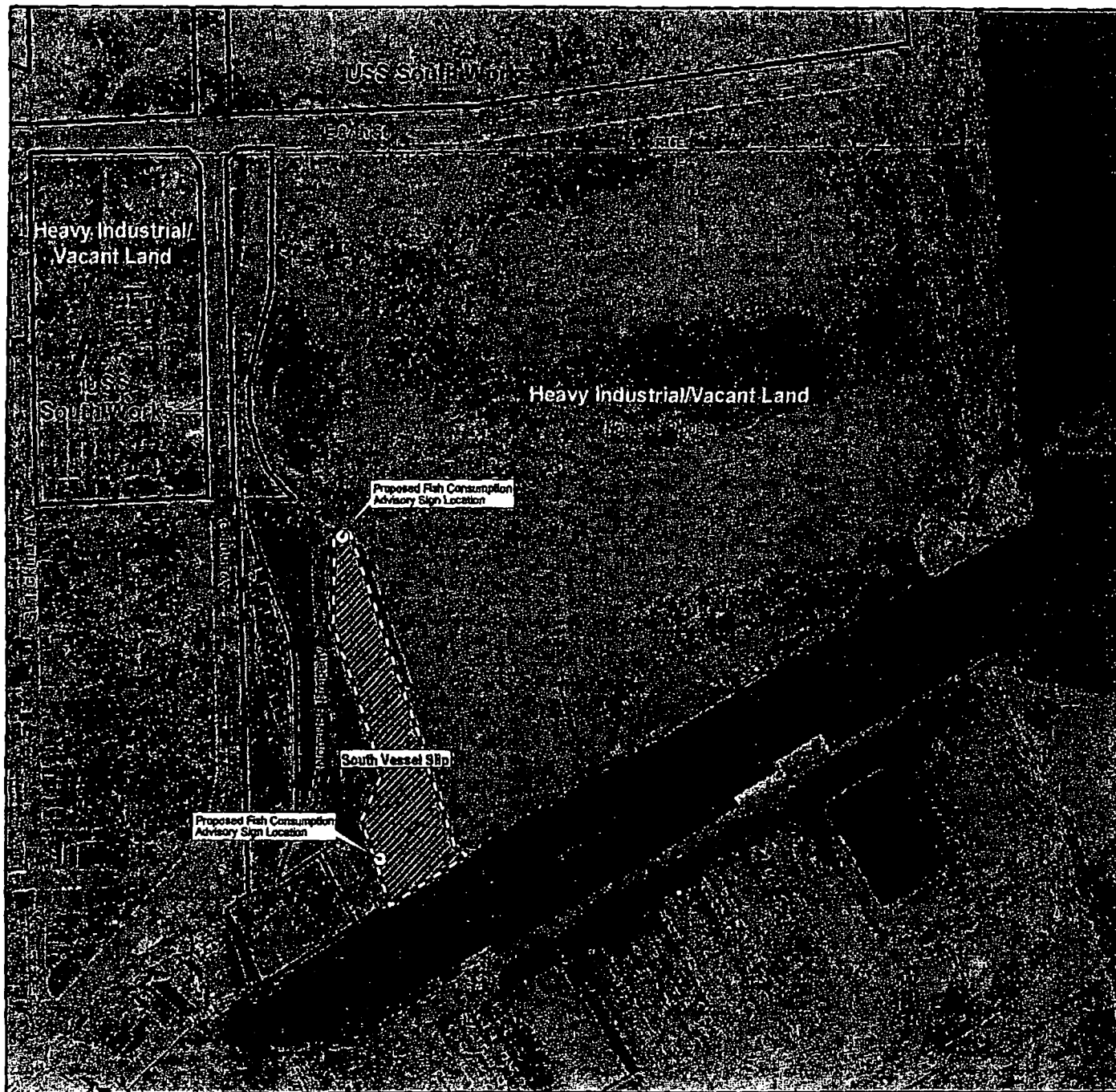
1. Legal description or Reference to a Plat Showing the Boundaries:

A PARCEL BEGINNING ON THE NORTH LINE OF THE CALUMET RIVER AT THE EASTERLY LINE OF THE SOUTH SLIP AT A POINT TWO THOUSAND FIVE HUNDRED SEVENTY-TWO AND SEVENTY-SEVEN HUNDREDTHS FEET (2,572.77') SOUTH OF AND TWO THOUSAND SIX HUNDRED TWENTY-THREE AND TWENTY-FOUR HUNDREDTHS FEET (2,623.24') EAST OF THE NORTHWEST CORNER OF SECTION FIVE (5) NORTH OF THE INDIAN BOUNDARY LINE, TOWNSHIP THIRTY-SEVEN (37) NORTH, RANGE FIFTEEN (15) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH FIFTY-NINE DEGREES, TWENTY-SIX MINUTES, TWENTY-SIX SECONDS WEST (N59°26'26"W) ALONG THE EAST LINE OF SAID SOUTH SLIP, A DISTANCE OF FIFTY AND FIFTY-SIX HUNDREDTHS FEET (50.56'); THENCE NORTH NINETEEN DEGREES, TWENTY-THREE MINUTES, THIRTY SECONDS WEST (N19°23'30"W) ALONG THE EAST LINE OF SAID SOUTH SLIP, A DISTANCE OF ONE THOUSAND TWO HUNDRED TWENTY-TWO AND EIGHTY HUNDREDTHS FEET (1,222.80') TO THE NORTH LINE OF SAID SOUTH SLIP; THENCE SOUTH SEVENTY DEGREES, THIRTY-SIX MINUTES, THIRTY SECONDS WEST (S70°36'30"W) ALONG SAID NORTH LINE, A DISTANCE OF SIXTY AND ZERO HUNDREDTHS FEET (60.00') TO THE WEST LINE OF SAID SOUTH SLIP; THENCE SOUTH ONE DEGREE, FIVE MINUTES, TWENTY-THREE SECONDS EAST (S1°05'23"E) ALONG SAID WEST LINE, A DISTANCE OF THREE HUNDRED TWENTY-FOUR AND EIGHTY-TWO HUNDREDTHS FEET (324.82'); THENCE SOUTH NINETEEN DEGREES TWENTY-THREE MINUTES, THIRTY SECONDS EAST (19°23'30"E) ALONG SAID WEST LINE, A DISTANCE OF FIVE HUNDRED SEVENTY-ONE AND SIXTY-TWO HUNDREDTHS FEET (571.62'); THENCE SOUTH TWENTY-FIVE DEGREES, THIRTY-SIX MINUTES, THIRTY SECONDS WEST (S25°36'30"W) ALONG SAID WEST LINE, A DISTANCE OF ONE HUNDRED EIGHTY-THREE AND EIGHTY-FIVE HUNDREDTHS FEET (183.85'); THENCE SOUTH NINETEEN DEGREES, TWENTY-THREE MINUTES, THIRTY SECONDS EAST (S19°23'30"E) ALONG SAID WEST LINE, A DISTANCE OF THREE HUNDRED THIRTY-ONE




(Illinois EPA Site Remediation Program Environmental Notice)

AND TWENTY-FIVE HUNDREDTHS FEET (331.25') TO THE NORTH LINE OF THE CALUMET RIVER; THENCE NORTH FIFTY-SIX DEGREES, FORTY-EIGHT MINUTES, FIVE SECONDS EAST (N56°48'05"E) ACROSS THE MOUTH OF SAID SOUTH SLIP, A DISTANCE OF THREE HUNDRED THIRTY-FOUR AND NINETEEN HUNDREDTHS FEET (334.19') TO THE POINT OF BEGINNING.

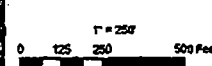
2. Common Address: 9099 South Avenue O, Chicago, IL
3. Real Estate Tax Index/Parcel Index Number: 26-05-200-004-0000
4. Remediation Site Owner: Illinois Department of Natural Resources
5. Land Use: Residential
6. Site Investigation: Comprehensive



#### Legend

-  USS Property Boundary
-  Remediation Site Boundary
-  Public Land Survey System

**Site Base Map**  
**0316485098/Cook**  
**Chicago/USX South Vessel Slip**  
**Site Remediation Program**



#### South Vessel Slip

USS South Works  
 Chicago, IL  
 February 2, 2008

Projection: State Plane 8, East, NAD83, Feet  
 Source(s): U.S. Department of Natural Resources and  
 URS Corporation

**PROPERTY OWNER CERTIFICATION OF THE NFR LETTER  
UNDER THE SITE REMEDIATION PROGRAM**

Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

<b>Property Owner Information</b>	
Owner's Name: _____	
Title: _____	
Company: _____	
Street Address: _____	
City: _____	State: _____ Zip Code: _____ Phone: _____
<b>Site Information</b>	
Site Name: _____	
Site Address: _____	
City: _____	State: _____ Zip Code: _____ County: _____
Illinois inventory identification number: _____	
Real Estate Tax Index/Parcel Index No. _____	
<p>I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.</p>	
Owner's Signature: _____ Date: _____	
<p>SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__</p>	
<p>_____ Notary Public</p>	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.



## Notice to Remediation Applicant

### **Please follow these instructions when filing the NFR letter with the County Recorder's Office**

#### **Instructions for Filing the NFR Letter**

The following documents must be filed:

- A. Body of the NFR Letter (contains appropriate terms and conditions, tables, etc.)
  - B. Attachments to NFR letter
    - Illinois EPA Site Remediation Program Environmental Notice (Legal Description and PIN of property)
    - Maps of the site
    - Table A: Regulated Substances of Concern (if applicable.)
    - Property Owner Certification
  - C. A copy of the ordinance, if applicable, used to address groundwater contamination
1. Place the Illinois EPA Site Remediation Program Environmental Notice on top of the NFR prior to giving it to the Recorder.
  2. If you are not the owner (record title holder) of the property on the date of filing of this NFR, you must attach a **completed** owner's certification form signed by the owner of the property at the time of filing (e.g., if the property recently sold, the new owner must sign).
  3. If any of the terms and conditions of the NFR letter references a groundwater ordinance, you must record a copy of the groundwater ordinance with the NFR letter.
  4. If any of the terms and conditions of the NFR letter references a highway agreement, you must record the highway agreement if specifically required by the municipality granting the agreement.
  5. Within thirty (30) days of this NFR Letter being recorded by the Office of the Recorder of the County in which the property is located, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

6. **Remove this page from the NFR letter, prior to recording.**

If you have any questions call (217) 782-6761 and speak with the "project manager on-call" in the Site Remediation Program.

U.S. Postal Service <sup>11/0</sup>  
**CERTIFIED MAIL <sup>11/0</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)  
**OFFICIAL USE**

24  
 RPMS

Postage	\$
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Sent To: Mr. John Zaborste  
 Street, Apt. No.,  
 or PO Box No. 8555 South Green Bay Avenue  
 City, State, ZIP+4 Chicago, IL 60610

PS Form 3800, August 2006 See Reverse for Instructions

0316485098/COOK ACTJL07

<b>SENDER: COMPLETE THIS SECTION</b> <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<b>COMPLETE THIS SECTION ON DELIVERY</b> A. Signature X <i>John M. Zaborste</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) C. Date of Delivery 5-15 D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
1. Article Addressed to: Mr. John Zaborste United States Corporation 8555 South Green Bay Avenue Chicago, IL 60610	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from service label) 7007 2560 0003 2091 7593	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

15 MAY 2008 PM 8 L

USPS  
Use App. Permit No. 616

IN YOUR ADDRESS

- Sender: Please print your name, address, and ZIP+4 in this box

Illinois Environmental Protection Agency

P.O. Box 19276 Mail Code #

Springfield, IL 62794-9276







## ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397  
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

(217) 782-6761

May 12, 2008

CERTIFIED MAIL

7007 2560 0003 2091 7609

Mr. John Zaborske  
United States Steel Corporation  
8555 South Green Bay Avenue  
Chicago, IL 60610

Re: 0316085741/Cook  
Chicago/USX North Vessel Slip  
Site Remediation Program/Technical Reports  
No Further Remediation Letter

**RELEASABLE**

**MAY 20 2008**

**REVIEWER MD**

Dear Mr. Zaborske:

The *Human Health and Ecological Risk Evaluations USS Former South Works Facility Vessel Slips* (March 21, 2007/Log Number 07-33107), as prepared by URS Corporation for the above referenced Remediation Site, has been reviewed by the Illinois Environmental Protection Agency ("Illinois EPA") and demonstrates that the remedial action was completed in accordance with 35 Illinois Administrative Code Parts 740 and 742.

The Remediation Site, consisting of 12.5 acres, is located at 8535 South Green Bay Avenue, Chicago, Illinois. Pursuant to Section 58.10 of the Illinois Environmental Protection Act ("Act") (415 ILCS 5/1 et seq.), your request for a no further remediation determination is granted under the conditions and terms specified in this letter. The Remediation Applicant, as identified on the Illinois EPA's Site Remediation Program DRM-1 Form received March 9, 2006 is United States Steel Corporation.

This comprehensive No Further Remediation Letter ("Letter") signifies a release from further responsibilities under the Act for the performance of the approved remedial action. This Letter shall be considered prima facie evidence that the Remediation Site described in the attached Illinois EPA Site Remediation Program Environmental Notice and shown in the attached Site Base Map does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms and conditions of this Letter.

ROCKFORD - 4302 North Main Street, Rockford, IL 61103 - (815) 987-7760 • DES PLAINES - 9511 W. Harrison St., Des Plaines, IL 60016 - (847) 294-4000  
ELGIN - 595 South State, Elgin, IL 60123 - (847) 608-3131 • PEORIA - 5415 N. University St., Peoria, IL 61614 - (309) 693-5463  
BUREAU OF LAND - PEORIA - 7620 N. University St., Peoria, IL 61614 - (309) 693-5462 • CHAMPAIGN - 2125 South First Street, Champaign, IL 61820 - (217) 278-5800  
SPRINGFIELD - 4500 S. Sixth Street Rd., Springfield, IL 62706 - (217) 786-6892 • COLLINSVILLE - 2009 Mall Street, Collinsville, IL 62234 - (618) 346-5120  
MARION - 2309 W. Main St., Suite 116, Marion, IL 62959 - (618) 993-7200

PRINTED ON RECYCLED PAPER

Conditions and Terms of Approval

Level of Remediation and Land Use Limitations

- 1) The land use specified in this Letter may be revised if:
  - a) Further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use.
  - b) A new Letter is obtained and recorded in accordance with Title XVII of the Act and regulations adopted thereunder.
- 2) The Remediation Site is approved for Residential land use.

Preventive Controls:

- 3) Fish advisory signage must be maintained at access points to the vessel slip to ensure fishermen are aware of the maximum intake recommendations for the various fish species that are consumed from the waters of Lake Michigan in this area.

Other Terms

- 4) Where the Remediation Applicant is not the sole owner of the Remediation Site, the Remediation Applicant shall complete the attached *Property Owner Certification of the No Further Remediation Letter under the Site Remediation Program* Form. This certification, by original signature of each property owner, or the authorized agent of the owner(s), of the Remediation Site or any portion thereof who is not a Remediation Applicant shall be recorded along with this Letter.
- 5) Further information regarding this Remediation Site can be obtained through a written request under the Freedom of Information Act (5 ILCS 140) to:

Illinois Environmental Protection Agency  
Attn: Freedom of Information Act Officer  
Bureau of Land-#24  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276
- 6) Pursuant to Section 58.10(f) of the Act (415 ILCS 5/58.10(f)), should the Illinois EPA seek to void this Letter, the Illinois EPA shall provide notice to the current titleholder and to the Remediation Applicant at the last known address. The notice shall specify the cause for the voidance, explain the provisions for appeal, and describe the facts in support of this cause. Specific acts or omissions that may result in the voidance of the Letter under Sections 58.10(e)(1)-(7) of the Act (415 ILCS 5/58.10(e)(1)-(7)) include, but shall not be limited to:
  - a) Any violation of institutional controls or the designated land use restrictions;
  - b) The failure to operate and maintain preventive or engineering controls or to comply with any applicable groundwater monitoring plan;

- c) The disturbance or removal of contamination that has been left in-place in accordance with the Remedial Action Plan. Access to soil contamination may be allowed if, during and after any access, public health and the environment are protected consistent with the Remedial Action Plan;
  - d) The failure to comply with the recording requirements for this Letter;
  - e) Obtaining the Letter by fraud or misrepresentation;
  - f) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the Letter was based, that pose a threat to human health or the environment;
  - g) The failure to pay the No Further Remediation Assessment Fee within forty-five (45) days after receiving a request for payment from the Illinois EPA;
  - h) The failure to pay in full the applicable fees under the Review and Evaluation Services Agreement within forty-five (45) days after receiving a request for payment from the Illinois EPA.
- 7) Pursuant to Section 58.10(d) of the Act, this Letter shall apply in favor of the following persons:
- a) United States Steel Corporation;
  - b) The owner and operator of the Remediation Site, including the Illinois Department of Natural Resources;
  - c) Lakeside Land, LLC;
  - d) Chicago Lakeside Development, LLC;
  - e) Any parent corporation or subsidiary of the owner of the Remediation Site;
  - f) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a relationship with the owner of the Remediation Site;
  - g) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the Remediation Site;
  - h) Any mortgagee or trustee of a deed of trust of the owner of the Remediation Site or any assignee, transferee, or any successor-in-interest thereto;
  - i) Any successor-in-interest of the owner of the Remediation Site;
  - j) Any transferee of the owner of the Remediation Site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest;
  - k) Any heir or devisee of the owner of the Remediation Site;
-

10) In accordance with Section 58.10(g) of the Act, a No Further Remediation Assessment Fee based on the costs incurred for the Remediation Site by the Illinois EPA for review and evaluation services will be applied in addition to the fees applicable under the Review and Evaluation Services Agreement. Request for payment of the No Further Remediation Assessment Fee will be included with the billing statement.

Sincerely,

**Attachments(2):** Property Owner Certification of No Further Remediation Letter under the Site Remediation Program Form  
Notice to Remediation Applicant



bcc: Records Unit  
Bob O'Hara  
Sherri Oxencis  
Rick Lucas

PREPARED BY:

Name: Mr. John Zaborske  
United States Steel Corporation

Address: 8555 South Green Bay Avenue  
Chicago, IL 60610

RETURN TO:

Name: Mr. John Zaborske  
United States Steel Corporation

Address: 8555 South Green Bay Avenue  
Chicago, IL 60610

**THE ABOVE SPACE FOR RECORDER'S OFFICE**

The remediation applicant must submit this Environmental No Further Remediation Letter within 45 days of its receipt, to the Office of the Recorder of Cook County.

Illinois State EPA Number: 0316085741

United States Steel Corporation, the Remediation Applicant, whose address is 8555 South Green Bay Avenue, Chicago, IL 60610 has performed investigative and/or remedial activities for the remediation site depicted on the attached Site Base Map and identified by the following:

1. Legal description or Reference to a Plat Showing the Boundaries:

THAT PART OF BLOCK 2 IN ILLINOIS STEEL COMPANY'S SOUTH WORKS RESUBDIVISION OF LOTS, PIECES AND PARCELS OF LAND IN SECTION 32, TOWNSHIP 38 NORTH, RANGE 15 EAST OF THE THIRD PRINCIPAL MERIDIAN, COOK COUNTY, ILLINOIS, TOGETHER WITH THE NORTH SLIP AS SHOWN ON SAID RESUBDIVISION, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT AT THE NORTHWEST CORNER OF SAID SLIP; THENCE ALONG THE NORTH LINE OF SAID SLIP ON AN ASSUMED BEARING OF NORTH 89 DEGREES 04 MINUTES 55 SECONDS EAST, 2503.64 FEET; THENCE NORTH 00 DEGREES 55 MINUTES 05 SECONDS WEST, 68.0 FEET; THENCE NORTH 89 DEGREES 59 MINUTES 07 SECONDS EAST, 193.49 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 2; THENCE ALONG SAID EAST LINE SOUTH 5 DEGREES 44 MINUTES 12 SECONDS EAST, 261.85 FEET TO THE SOUTHEAST CORNER OF SAID SLIP; THENCE ALONG THE SOUTH LINE OF SAID SLIP SOUTH 89 DEGREES 04 MINUTES 55 SECONDS WEST, 2719.10 FEET TO THE SOUTHWEST CORNER OF SAID SLIP; THENCE ALONG THE WEST LINE OF SAID SLIP NORTH 00 DEGREES 55 MINUTES 05 SECONDS WEST, 195.97 FEET TO THE POINT OF BEGINNING.

2. Common Address: 8535 South Green Bay Avenue, Chicago, IL

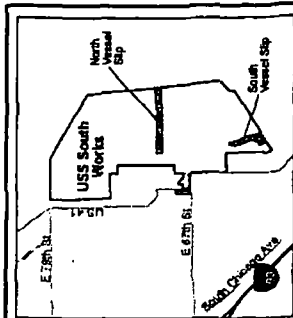
3. Real Estate Tax Index/Parcel Index Number: 21-32-213-002-0000

4. Remediation Site Owner: Illinois Department of Natural Resources

**(Illinois EPA Site Remediation Program Environmental Notice)**

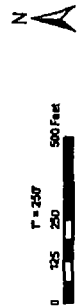
Page 7.

5. Land Use: Residential
6. Site Investigation: Comprehensive



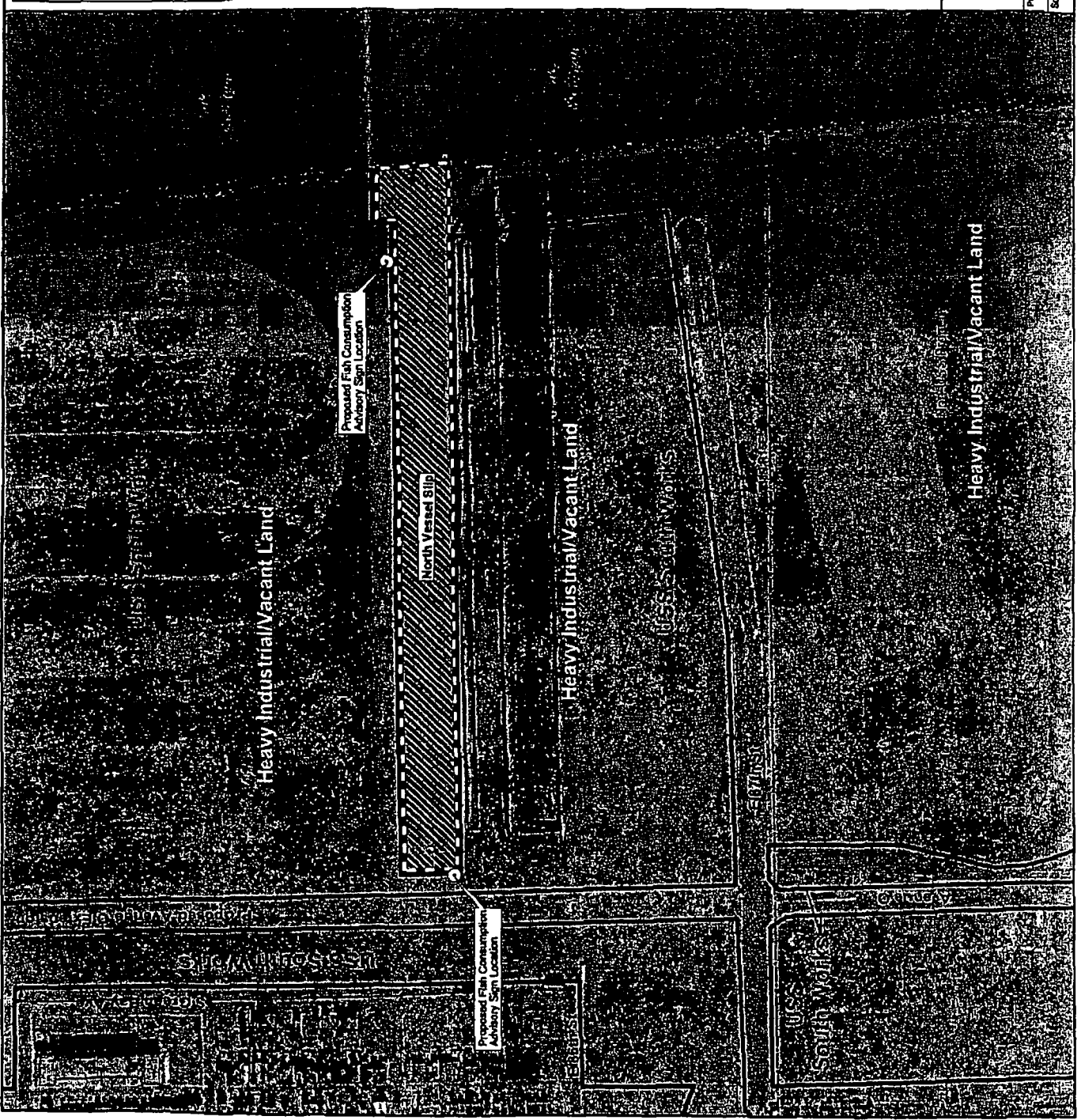
- Legend**
- USS Property Boundary
  - Remediation Site Boundary
  - Public Land Survey System

# **Site Base Map** **0316085741/Cook** **Chicago/USX North Vessel Slip** **Site Remediation Program**



**North Vessel Slip**  
**USS South Works**  
**Chicago, IL**  
 February 8, 2008

Projection: State Plane 2, East, NAD83, Feet  
 Source(s): U.S. Department of Natural Resources and USGS Corporation



**PROPERTY OWNER CERTIFICATION OF THE NFR LETTER  
UNDER THE SITE REMEDIATION PROGRAM**

Where the Remediation Applicant (RA) is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The property owner(s), or the duly authorized agent of the owner(s) must certify, by original signature, the statement appearing below. This certification shall be recorded in accordance with Illinois Administrative Code 740.620.

Include the full legal name, title, the company, the street address, the city, the state, the ZIP code, and the telephone number of all other property owners. Include the site name, street address, city, ZIP code, county, Illinois inventory identification number and real estate tax index/parcel index number.

A duly authorized agent means a person who is authorized by written consent or by law to act on behalf of a property owner including, but not limited to:

1. For corporations, a principal executive officer of at least the level of vice-president;
2. For a sole proprietorship or partnership, the proprietor or a general partner, respectively; and
3. For a municipality, state or other public agency, the head of the agency or ranking elected official.

For multiple property owners, attach additional sheets containing the information described above, along with a signed, dated certification for each. All property owner certifications must be recorded along with the attached NFR letter.

Property Owner Information	
Owner's Name: _____	
Title: _____	
Company: _____	
Street Address: _____	
City: _____	State: _____ Zip Code: _____ Phone: _____
Site Information	
Site Name: _____	
Site Address: _____	
City: _____	State: _____ Zip Code: _____ County: _____
Illinois inventory identification number: _____	
Real Estate Tax Index/Parcel Index No. _____	
I hereby certify that I have reviewed the attached No Further Remediation Letter and that I accept the terms and conditions and any land use limitations set forth in the letter.	
Owner's Signature: _____ Date: _____	
SUBSCRIBED AND SWORN TO BEFORE ME this _____ day of _____, 20__	
_____ Notary Public	

The Illinois EPA is authorized to require this information under Sections 415 ILCS 5/58 - 58.12 of the Environmental Protection Act and regulations promulgated thereunder. If the Remediation Applicant is not also the sole owner of the remediation site, this form must be completed by all owners of the remediation site and recorded with the NFR Letter. Failure to do so may void the NFR Letter. This form has been approved by the Forms Management Center. All information submitted to the Site Remediation Program is available to the public except when specifically designated by the Remediation Applicant to be treated confidentially as a trade secret or secret process in accordance with the Illinois Compiled Statutes, Section 7(a) of the Environmental Protection Act, applicable Rules and Regulations of the Illinois Pollution Control Board and applicable Illinois EPA rules and guidelines.

## **Notice to Remediation Applicant**

### **Please follow these instructions when filing the NFR letter with the County Recorder's Office**

#### **Instructions for Filing the NFR Letter**

The following documents must be filed:

- A. Body of the NFR Letter (contains appropriate terms and conditions, tables, etc.)
- B. Attachments to NFR letter
  - Illinois EPA Site Remediation Program Environmental Notice (Legal Description and PIN of property)
  - Maps of the site
  - Table A: Regulated Substances of Concern (if applicable.)
  - Property Owner Certification
- C. A copy of the ordinance, if applicable, used to address groundwater contamination

1. Place the Illinois EPA Site Remediation Program Environmental Notice on top of the NFR prior to giving it to the Recorder.
2. If you are not the owner (record title holder) of the property on the date of filing of this NFR, you must attach a **completed** owner's certification form signed by the owner of the property at the time of filing (e.g., if the property recently sold, the new owner must sign).
3. If any of the terms and conditions of the NFR letter references a groundwater ordinance, you must record a copy of the groundwater ordinance with the NFR letter.
4. If any of the terms and conditions of the NFR letter references a highway agreement, you must record the highway agreement if specifically required by the municipality granting the agreement.
5. Within thirty (30) days of this NFR Letter being recorded by the Office of the Recorder of the County in which the property is located, a certified copy of this Letter, as recorded, shall be obtained and submitted to the Illinois EPA to:

Robert E. O'Hara  
Illinois Environmental Protection Agency  
Bureau of Land/RPMS  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, IL 62794-9276

6. **Remove this page from the NFR letter, prior to recording.**

If you have any questions call (217) 782-6761 and speak with the "project manager on-call" in the Site Remediation Program.

7007 2560 0003 2091 7609

**U.S. Postal Service™**  
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**OFFICIAL USE**

Postage	\$
24 RPMS Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

2008 Postmark Here

Sent To  
 Mr. John Zaborke  
 Street, Apt. No.,  
 or PO Box No. 8555 South Green Bay Avenue  
 City, State, ZIP+4 Chicago, IL 60610

PS Form 3800, August 2005 See Reverse for Instructions

0316085741 / COOK AC / JLM

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

24  
RPMS

1. Article Addressed to:  
 Mr. John Zaborke  
 United States Steel Corporation  
 8555 South Green Bay Avenue  
 Chicago, IL 60610

2. Article Number  
 (Transfer from service label) 7007 2560 0003 2091 7609

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X John Zaborke ☐ Agent  
☐ Addressee

B. Received by (Printed Name)  
 C. Date of Delivery  
 5-15

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Illinois Environmental Protection Agency

P.O. Box 19276 Mail Code #

Springfield, IL 62794-9276





Appendix B

Superfund Memorandum of Agreement

ADDENDUM NO. 1

SUPERFUND MEMORANDUM OF AGREEMENT  
BETWEEN THE  
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
AND THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION V

I. BACKGROUND

The Illinois Environmental Protection Agency ("IEPA") and the United States Environmental Protection Agency, Region V ("Region V") entered a Superfund Memorandum of Agreement (SMOA) effective December 18, 1991. Among other things, the SMOA established operating procedures for general Superfund program coordination and communication between IEPA and Region V.

II. BROWNFIELDS

In 1993 IEPA and Region V began developing strategies to promote the remediation and redevelopment of "Brownfield" sites. Both agencies recognize that a key factor to the Brownfields program in Illinois is for both agencies to exercise their authorities and use their resources in ways that are mutually complementary and are not duplicative. Two operational factors are important in this regard. First, the IEPA has successfully operated a voluntary cleanup since the late 1980s. This program, more formally known as the Pre-Notice Site Cleanup Program ("PNSCP"), provides guidance, assistance and oversight by IEPA to owners and operators of sites in Illinois who perform site assessment and remediation in accordance with the practices, and under the approval, of the IEPA. In addition IEPA has established a consistent cleanup objectives process across all its remediation programs (PWSCP, CERCLA, RCRA, and LUST) which is protective of human health and the environment. Second, USEPA has administered a national site assessment program to assess sites listed on the federal CERCLIS list. This assessment process identifies and prioritizes sites for remediation needs and also establishes a "no further remedial action planned" or NFRAP category of sites. As a result of the success of these two programs, IEPA and Region V have concluded that the principles and procedures set forth in this Addendum will meaningfully assist in the remediation and development of Brownfield sites.

III. PRINCIPLES

If a site in Illinois has been remediated or investigated under the practices and procedures of the Illinois PNSCP and IEPA has approved the remediation as complete or made a no-action determination upon review of an investigation, consistent with existing information the site will not be expected to require further response actions. Accordingly, Region 5 will not plan or anticipate any federal action under Superfund law unless, in exceptional circumstances, the site poses an imminent threat or emergency situation. Region 5 will also continue to work with Illinois to remove any concerns about federal activity under Superfund so as to encourage appropriate redevelopment.

This Principle does not apply to sites which have been listed on the National Priorities List or sites subject to an order or other enforcement action under Superfund law or sites imminently threatening public health or the environment. Future IEPA activities at the site will be based on the conditions of the remediation approval and whether any imminent threat subsequently arises.

#### IV. REPORTING

On an annual basis IEPA will report to Region V on the Following:

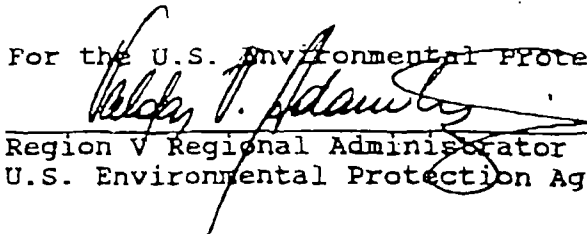
- 1) number of sites in the PNSCP;
- 2) sites entering the PNSCP the previous year;
- 3) sites having received approvals by IEPA of full or partial completions in the previous year;

For the Illinois Environmental Protection Agency



Director, Illinois Environmental Protection Agency

For the U.S. Environmental Protection Agency, Region V

  
Region V Regional Administrator  
U.S. Environmental Protection Agency

Date

4/26/95.